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Attorneys for plaintiff and the Class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LEON ALPERT, an individual on behalf of)
himself, and on behalf of all persons similarly)
situated, and on behalf of the general public,)

Plaintiff,

vs.

TIME WARNER CABLE INC., a Delaware)
Corporation, and Does 1 to 100,)

Defendant)

Case No. 08 CV 582 W WMc
CLASS ACTION
**NOTICE OF ERRATA IN PLAINTIFF’S
STATEMENT OF DISPUTED AND
UNDISPUTED FACTS IN SUPPORT OF
HIS OPPOSITION TO DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT**
Date: June 30, 2008
Time: 10:00 a.m.
Place: Courtroom 7; 880 Front Street, San
Diego, CA
Judge: Hon. Thomas J. Whelan
[No Oral Argument Pursuant to LR 7.1(d)(1)]
Complaint: March 13, 2007
Removal: March 27, 2008

1 TO ALL THE PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that Plaintiff has inadvertently made the following errors in his
3 Separate Statement of Disputed and Undisputed Facts in Support of His Opposition to Defendant
4 Time Warner Cable's Motion for Summary Judgment filed by the Plaintiff on June 16, 2008:

5 1) Item No. 41 was incorrect in the Separate Statement. It should have read, "Plaintiff
6 claims that TWC has violated section 1770 (a) (13) of the CLRA by misinforming him that his
7 cable bill was reduced because he ordered a bundle of services vis-à-vis individual services,
8 when the real reason for the price reduction was due to TWC already collecting basic cable fees
9 on behalf of Plaintiff." That fact is undisputed by the Plaintiff.

10 2) Items No. 41 and 42 in the original Separate Statement are duplicative.

11 3) Item 54 from the Defendant's Separate Statement, "Plaintiff claims that TWC
12 breached its agreement with the HOA by charging him directly for services already provided and
13 paid for under the HOA agreement," was inadvertently left out of the original separate statement.
14 Plaintiff does not dispute this fact.

15 For clarification purposes, Plaintiff will file an amended separate statement reflecting
16 these changes.

17
18 Dated: June 19, 2008,

CLARK & MARKHAM LLP

19
20 By: /s/James M. Treglio

David R. Markham, Esq.

James M. Treglio, Esq.

**LAW OFFICES OF BARRON E.
RAMOS**

Barron E. Ramos, Esq.

24 Attorneys for the Plaintiff and the Class

PROOF OF SERVICE

I am over 18 and not a party to the within action. My business address is 600 B Street, Suite 2130, San Diego, CA 92101.

On June 16, 2008, I served a true and correct copy of the following document(s):

- 1. NOTICE OF ERRATA IN PLAINTIFF'S STATEMENT OF DISPUTED AND UNDISPUTED FACTS IN SUPPORT OF HIS OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**
- 2. PLAINTIFF AND OPPOSING PARTY, LEON ALPERT'S *AMENDED* STATEMENT OF DISPUTED AND UNDISPUTED FACTS IN SUPPORT OF HIS OPPOSITION TO DEFENDANT TIME WARNER CABLE'S MOTION FOR SUMMARY JUDGMENT**

Upon the following person(s)

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	BY HAND DELIVERY: By causing such document(s) to be delivered by hand to the above person(s) at the address(es) set forth above.
	BY MAIL: By placing a copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at San Diego, Californian, addressed as set forth above.
	BY THIRD-PARTY COMMERCIAL CARRIER (OVERNIGHT DELIVERY): By delivering a copy thereof to a third party commercial carrier addressed as set forth above, for delivery on the next business day.
	BY FACSIMILE: By transmitting the above document(s) to the facsimile number(s) of the addressee(s) designated above.
X X	BY ELECTRONIC TRANSMISSION OF THE "NOTICE OF ELECTRONIC FILING" By electronically filing the document(s)

I certify that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on June 19, 2008 at San Diego, California

/s/ James M. Treglio

James M. Treglio